

1952

August 25

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CONCORD, N.H.

His Excellency, the Governor,
and the Honorable Council

Gentlemen:

You have requested this office to express an opinion in connection with application made by the Warden of the State Prison for an allowance of \$30,000 to supplement what is described as an existing appropriation of \$20,000 for the purpose of remodelling the Guard Room at the Prison, and you have asked whether emergency fund moneys may legally be spent for such a purpose.

It is my opinion that the requested allocation of \$30,000 from the emergency fund may not properly be made.

The item of \$20,000 to which reference is made by the Warden was provided for remodelling the Guard Room by Laws of 1947, c. 294, s. 1, which chapter appropriated the amount of \$99,950 for improvements at the State Prison. In c. 322, s. 13, Laws of 1949, appears the following provision:

"13. Transfer of Funds. On or before July 1, 1950, in the event that there are unexpended balances of the amounts appropriated by Chapter 294 of the Laws of 1947, the governor and council may authorize any such unexpended balances to be transferred for the completion of any of the projects named in section 1 of said chapter 294 of the Laws of 1947. Except as provided in paragraph X of section 1 any unexpended balances of the amounts appropriated by chapter 294 not expended for the purposes set forth in said act or transferred as provided by this section shall lapse as of July 1, 1950."

According to the quoted section, therefore, the unexpended balance of the appropriation for remodelling the Guard Room lapsed as of July 1, 1950. Accordingly, there are no funds available for the contemplated project, and the amount needed apparently is \$50,000 instead of \$30,000.

It is my opinion that the allocation of either \$30,000 or \$50,000 for this purpose would not represent a proper

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use of the emergency fund, inasmuch as the proposed work was contemplated as early as July 1, 1947, and therefore can scarcely be deemed an emergency.

Respectfully yours,

Maurice M. Blodgett
Deputy Attorney General

MMB:HP